

Application Number: 10/531,324
Amendment Dated: November 9, 2009
Reply to Office Action of: May 11, 2009

REMARKS

No claims are added and claim 23 is canceled. Claims 1-22 are amended. After entry of the amendment, claims 1-22 will be pending. All of the claim amendments are supported by the originally filed specification.

Indefiniteness rejection

The Examiner rejects the claims under 35 U.S.C. 112 as indefinite for a number of reasons enumerated on pages 5-7 of the Office Action. Applicant has amended the claims by replacing the open ended transitional terms with closed ended terms, where necessary, amending the language pertaining to "physiologically acceptable salts", etc., and reciting a host in claim 22.

Consequently, Applicant respectfully requests that the indefiniteness rejections be withdrawn.

Enablement rejection

The Examiner rejects claim 22 under 35 U.S.C. 112 as not enabled. In response, Applicant has significantly narrowed claim 22 to recite a method of treating only the specific protozoal diseases for which references on record support treatment of with the claimed compounds—leishmaniasis, trypanosomiasis, malaria, toxoplasmosis, babesiosis, amoebic dysentery and lambliasis. Applicant contends that claim 22, as amended, is enabled and respectfully requests that the Examiner withdraw the rejection.

Anticipation rejection

The Examiner rejects claims 1, 2, 4-15, 17, 19 and 21 under 35 U.S.C. 102(b) as anticipated by numerous prior art references.

First, Applicant has amended independent claim 1 to remove all overlap with US 5,776,915 to Peterson et al. Specifically, qualifying the unsaturated R2

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and R3 hydrocarbon chains as "having 4 or fewer double bonds" removes overlap with the retinyl compounds disclosed by Peterson.

Additionally, all of the compounds disclosed by US 5,087,721 to Counsell et al. contain an iodinated aralkyl group at the X position, and thus do not anticipate the claimed compounds. Regardless, for unrelated reasons, Applicant has removed compounds wherein Y is aromatic or heteroaromatic, thus clearly obviating any alleged overlap with Counsell.

Regarding WO 98/55533 to Freeman et al., all of the disclosed compounds contain an aldehyde (CHO)_n group that is not recited in any of the pending claims.

Lastly, Applicant has removed all of the compounds wherein Y is aromatic or heteroaromatic. Consequently, BE 2359245 to Chabrier et al. and the non-patent publication to Yamaguchi no longer anticipate the pending claims.

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For the reasons stated herein, Applicant respectfully requests that the Examiner withdraw all of the pending rejections and pass claims 1-22 to issue. The Examiner is invited to telephone Applicant's counsel at 860-527-9211 if it is believed that a telephone conference will expedite examination.

Respectfully Submitted,

Theodora Calogeropoulou et al.

By: /Alexander E. Andrews/

Alexander E. Andrews
Registration No. 62,205
Alix, Yale & Ristas, LLP
Attorney for Applicant

Date: November 9, 2009
750 Main Street, Suite 1400
Hartford, CT 06103-2721
(860) 527-9211
Our Ref: MAK/102/PC/US

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